

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DENISE CARRASCO,

Plaintiff,

VS.

FTS INTERNATIONAL SERVICES, LLC  
f/k/a FRAC TECH SERVICES, LLC,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. 4:12-cv-2270

**DECLARATION OF LIANNE STERKEL**

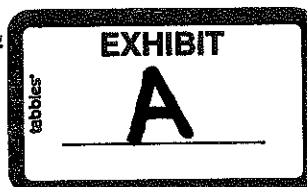
Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the following is true and correct:

1. My name is Lianne Sterkel. I am over the age of eighteen (18) years old and am fully competent to make this declaration. My statements contained in this declaration are true, correct and are based upon my personal knowledge. I give this declaration with full knowledge that I do so under penalties of perjury.

2. I am employed by FTS International Services, LLC ("FTS"), formerly known as Frac Tech Services, LLC, as the Vice President of Human Resources. FTS is an oil and gas services company that maintains its corporate offices in both Cisco, Eastland County, Texas, and Fort Worth, Tarrant County, Texas. The Human Resources Department for FTS is located in Cisco, Eastland County, Texas. Employment records are also maintained in Cisco, Eastland County, Texas.

3. Denise Carrasco ("Carrasco") was hired by FTS on or about July 26, 2010, as a Time Force Clerk in its Pleasanton, Atascosa County, Texas, office. On or about July 26, 2010, in the course of and in consideration for her employment with FTS, along with

**DECLARATION OF LIANNE STERKEL**



**PAGE 1**

other good and valuable consideration, Carrasco and FTS entered into a Confidentiality and Non-Solicitation Agreement ("Agreement"). In the Agreement, the parties agreed that the "venue of any such action to enforce or interpret this Agreement shall be in the state district court of Eastland County, Texas, or in the United States District Court for the Northern District of Texas, Abilene Division."

4. A true and correct copy of the executed Agreement is attached hereto as **Exhibit 1**. Exhibit 1 was made at or near the time of the events or conditions recorded therein, by or from information transmitted by a person with knowledge of the events or conditions recorded therein, and was made and kept in the regular course of business.

5. On or about January 16, 2011, Carrasco was promoted to Office Manager for the Pleasanton District. As Office Manager, Carrasco's job duties included responsibility for gathering and administering all Human Resources documentation within her assigned district, as well as frequent communication with the Human Resources department in Cisco, Texas.

6. A true and correct copy of the Office Manager job description is attached hereto as **Exhibit 2**. Exhibit 2 was made at or near the time of the events or conditions recorded therein, by or from information transmitted by a person with knowledge of the events or conditions recorded therein, and was made and kept in the regular course of business.

7. In the performance of her role as Office Manager, Carrasco was directly supervised by District Manager Brian Holland. While performing her Human Resources related job duties, Carrasco was required to regularly communicate with and submit information to FTS' Cisco, Texas, office for review by the Human Resources Department. Carrasco's contact with the Cisco, Texas, office included but was not limited to frequent communication

with Melissa Merrifield, Manager of Benefits and Records Administration, and other Human Resources employees also located in Cisco, Texas.

8. Carrasco's employment with FTS was terminated on or about November 28, 2011.

9. Following Carrasco's termination, Carrasco and FTS were parties to a lawsuit relating to the Agreement entered at Carrasco's hire. This matter was filed and final judgment was entered in the 91<sup>st</sup> Judicial District Court, Eastland County, Texas.

10. I declare that the foregoing is true and correct under the penalty of perjury.

Executed on this the 14<sup>th</sup> day of November<sup>95</sup>, 2012.

  
Lianne Sterkel

4820-5000-3729, v 1

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>451-2012-00467</b>	
<b>Texas Workforce Commission Civil Rights Division</b> and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) <b>Denise M. Carrasco</b>		Home Phone (Incl. Area Code) _____ Date of Birth <b>11-06-1962</b>	
Street Address <b>P O Box 707, Poteet, TX 78065</b>		City, State and ZIP Code	
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>FRAC TECH SERVICES</b>		No. Employees, Members <b>500 or More</b>	
Street Address <b>3195 Coughran Rd, Pleasanton, TX 78064</b>		Phone No. (Include Area Code) <b>(830) 268-8350</b>	
City, State and ZIP Code		No. Employees, Members	
Name		Phone No. (Include Area Code)	
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest <b>11-28-2011</b> Latest <b>11-28-2011</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):  <p>The recommendation to discharge me was made by HR Corporate, Melissa Merrifield, Anglo. Reason given to me: Failure to perform my job at a satisfactory level.</p> <p>Since being employed as an HR Manager at a district office with 500 plus employees, when I learned that Felisha Muzny, Anglo HR Manager at the Brian Texas office whose district only has 117 employees, had HR tools such as a laptop and projector to aid and simplify the HR work we both do, I was denied the same condition.</p> <p>I believe I have been discriminated against because of my national origin, Hispanic, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY -- When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____	
Date <u>11/29/11</u> Charging Party Signature <u>Denise Carrasco</u>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) _____	

EXHIBIT

B